

## **ARTICLE 6            SIGN REGULATIONS**

### **6.1    PURPOSE AND SCOPE.**

This section is intended to regulate and control signs and their placement throughout the Village of Misenheimer for the following purposes:

- (A)    To provide a pleasing overall environmental setting and good community appearance;
- (B)    To allow signs appropriate to the planned character and development of each zoning district;
- (C)    To ensure that permitted signs do not become a hazard or nuisance;
- (D)    To promote traffic safety;
- (E)    To prevent non-governmental signs from conflicting with public safety signs; and
- (F)    To protect and enhance the value of properties.

### **6.2    APPLICABILITY.**

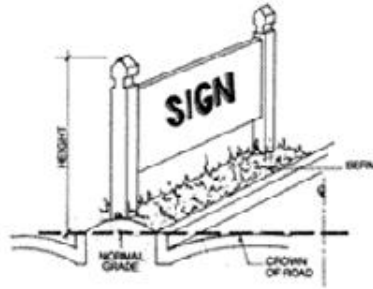
- (A)    It shall be unlawful to construct, enlarge, modify, move or replace any sign or cause the same to be done, without first obtaining a zoning permit for such sign from the village or its designee.
- (B)    Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign so as to render it in violation of this ordinance.

### **6.3    GENERAL PROVISIONS.**

The following regulations shall apply to all signs.

- (A)    **Construction Standards.**
  - (1)    All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.
  - (2)    All temporary signs shall be constructed of materials and printed on by inks capable of withstanding normal weather conditions.
  - (3)    All signs, except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- (B)    **Electrical Standards.** All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be illuminated by an underground electrical source.

- (C) **Maintenance of Signs.** All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance.
- (D) **Obstructions Prohibited.** No sign shall be placed so as to obstruct the clear sight triangle at a street intersection nor shall any sign obstruct the view of motorists entering or leaving an off-street parking area.
- (E) **Relation to Other Building Elements.**
- (1) Signs shall relate in their placement and size to other building elements without obscuring building elements such as windows, cornices, or decorative details, except that signs may be placed on the inside of windows.
  - (2) Signs placed on the inside of the window areas shall conceal no more than 25% of the area of the window on which the signs are located.
- (F) **Sign Lighting.**
- (1) Neon, argon and similar lighting fixtures shall not be used anywhere on the exterior of a building; however, such signs if non-flashing and non-moving may be mounted on the inside of store windows.
  - (2) Signs shall be lighted with indirect light sources (e.g. backlighting); knockout signs are encouraged. Downward facing floodlights may also be used if the light is directed only on the sign and not onto adjacent properties or roadways and the light fixtures are fully shielded from view through the use of landscaping.
  - (3) No sign (other than a ground-mounted sign) within 100 linear feet of a pre-existing residential structure shall be illuminated between the hours of 11:00 pm and 6:00 am.
- (G) **Sign Height Computation.** Sign height shall be computed as the lower of: (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. If a sign is to be erected on a slope, the sign height shall be determined by averaging the sign's height from the lowest point directly under the sign and the highest point directly under the sign. The calculation of the height of any sign placed upon a berm or mound shall include the height of the berm or mound.
- (H) **Sign Area Computation.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any structural supports, materials or colors forming an integral part of the background of the display.



Sign Height Computation

- (I) **Sign Area Computation for Multi-faced Signs.** The sign area for a sign with multiple faces shall be computed by adding together the area of all sign faces visible from any one (1) point. When a sign is composed of two (2) or more sign faces, only one (1) of which can be viewed from any one (1) point, and when such sign faces are part of the same structure, the sign area shall be computed by the measurement of one (1) of the faces.
- (J) **Forfeiture of Illegal Signs Placed On or Over Public Property.** Any sign installed or placed on or over public property, except in conformance with the requirements of this section, shall be forfeited to the public and be subject to confiscation and disposal. In addition to other remedies provided by this section and the Village Code of Ordinances, the Village shall have the right to recover from the sign owner and/or installer the full costs of removal and disposal of such sign.

#### 6.4 SIGN PLACEMENT.

The following provisions shall apply to the placement of all signs in all districts.

- (A) **In General.**
  - (1) Signs must be located entirely on private property, unless otherwise permitted by this section.
  - (2) No sign may be located so that it blocks the sight triangle at any driveway or public street intersection.
- (B) **Wall Signs.**
  - (1) Wall mounted signs shall not extend above the eave or parapet of any building.
- (C) **Freestanding Signs.**
  - (1) All parts of freestanding signs must be set back a minimum of five (5) feet from the property line.
  - (2) No freestanding sign shall be located closer than five (5) feet from another structure on the same zoning lot.

- (3) No portion of a freestanding sign, including projections, may extend into or over an existing public right-of-way, unless expressly permitted by this article.

**(D) Temporary Signs.**

- (1) Temporary signs shall be located on private property unless expressly permitted by this section to be posted on public property.
- (2) All temporary signs shall be anchored, attached, or otherwise affixed to a structure or support so that the sign cannot be easily dislodged by strong winds or heavy rains.

**6.5 PERMANENT SIGNS BY ZONING DISTRICT.**

Signs shall be permitted and prohibited within certain zoning districts as follows:

**Permanent Signs by Sign Type and Zoning District**

<b>SIGN TYPE</b>	<b>R-A</b>	<b>R-R</b>	<b>R-S</b>	<b>R-M</b>	<b>I-U</b>	<b>H-B</b>	<b>C-B</b>	<b>G-B</b>	<b>M-1</b>
Canopy/Awning	-	-	-	-	Z	Z	Z	Z	Z
Incidental	P	P	P	P	P	P	P	P	P
Flag	P	P	P	P	P	P	P	P	P
Freestanding (Pole)	-	-	-	-	-	Z	-	-	Z
Governmental	P	P	P	P	P	P	P	P	P
Marquee	-	-	-	-	Z	Z	Z	Z	Z
Monument (Ground)	Z	Z	Z	Z	Z	Z	Z	Z	Z
Outdoor Advertising (Billboard)	-	-	-	-	-	-	-	-	-
Planned Development (Shopping Center)	-	-	-	-	Z	Z	Z	Z	Z
Portable	-	-	-	-	-	-	-	-	-
Projecting	-	-	-	-	Z	Z	Z	Z	Z
Suspended	-	-	-	-	Z	Z	Z	Z	Z
Wall	Z	Z	-	Z	Z	Z	Z	Z	Z
Window	-	-	-	-	P	P	P	P	P

P = permitted without a permit  
 Z = permitted only upon issuance of a valid zoning permit  
 “-“ = not permitted

**Important Note:** Sign types not specifically listed in this table are not permitted

**6.6 SIGN HEIGHT.**

The following provisions shall apply to the height of all signs.

- (A) Supporting elements of freestanding signs shall not extend above the sign face and shall be included in the measurement of sign height.
- (B) Maximum sign height shall be limited by the type of sign and the zoning district in which it is located, as follows:

**Maximum Sign Height by Sign Type (in feet)**

<b>SIGN TYPE</b>	<b>R-A</b>	<b>R-R</b>	<b>R-S</b>	<b>R-M</b>	<b>I-U</b>	<b>H-B</b>	<b>C-B</b>	<b>G-B</b>	<b>M-1</b>
Canopy/Awning	-	-	-	-	n/a	n/a	n/a	n/a	n/a
Incidental	4	4	4	4	4	4	4	4	4
Flag	*	*	*	*	*	*	*	*	*
Freestanding (Pole)	-	-	-	-	-	5	-	-	5
Governmental	6	6	6	6	6	6	6	6	6
Marquee	-	-	-	-	n/a	n/a	n/a	n/a	n/a
Monument (Ground)	4	4	4	4	7	5	4	4	4
Outdoor Advertising (Billboard)	-	-	-	-	-	-	-	-	-
Planned Development (Shopping Center)	-	-	-	-	5	5	4	4	4
Portable	-	-	-	-	-	-	-	-	-
Projecting	-	-	-	-	1	1	1	1	1
Suspended	-	-	-	-	1	1	1	1	1
Wall	n/a	n/a	-	n/a	n/a	n/a	n/a	n/a	n/a
Window	-	-	-	-	n/a	n/a	n/a	n/a	n/a

\* Flags shall not exceed twice the maximum building height permitted or 40 feet, whichever is less.

<sup>1</sup> Projecting and Suspended signs shall be at least seven (7) feet above the ground level below the sign.

**6.7 NUMBER OF SIGNS PERMITTED.**

The number of signs by sign type permitted on an individual zoning lot shall be as follows:

**Maximum Number of Signs per Sign Type per Zoning Lot**

<b>SIGN TYPE</b>	<b>R-A</b>	<b>R-R</b>	<b>R-S</b>	<b>R-M</b>	<b>I-U</b>	<b>H-B</b>	<b>C-B</b>	<b>G-B</b>	<b>M-1</b>
Canopy/Awning	-	-	-	-	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>
Incidental	2 <sup>4</sup>	2 <sup>4</sup>	2 <sup>4</sup>	2 <sup>4</sup>	2 <sup>4</sup>	2 <sup>4</sup>	2 <sup>4</sup>	2 <sup>4</sup>	2 <sup>4</sup>
Flag	4	4	4	4	4	4	4	4	4
Freestanding (Pole)	-	-	-	-	-	1	-	-	1
Governmental	3	3	3	3	3	3	3	3	3
Marquee	-	-	-	-	1	1	1	1	1
Monument (Ground)	1 <sup>3</sup>	1 <sup>3</sup>	1 <sup>3</sup>	1 <sup>3</sup>	1 <sup>3</sup>	1 <sup>3</sup>	1 <sup>3</sup>	1 <sup>3</sup>	1 <sup>3</sup>
Outdoor Advertising (Billboard)	-	-	-	-	-	-	-	-	-
Planned Development (Shopping Center)	-	-	-	-	1 <sup>3</sup>	1 <sup>3</sup>	1 <sup>3</sup>	1 <sup>3</sup>	1 <sup>3</sup>
Portable	-	-	-	-	-	-	-	-	-
Projecting	-	-	-	-	1 <sup>5</sup>	1 <sup>5</sup>	1 <sup>5</sup>	1 <sup>5</sup>	1 <sup>5</sup>
Suspended	-	-	-	-	1 <sup>5</sup>	1 <sup>5</sup>	1 <sup>5</sup>	1 <sup>5</sup>	1 <sup>5</sup>
Wall	1	1	-	1	1 <sup>2</sup>	1 <sup>2</sup>	1 <sup>2</sup>	1 <sup>2</sup>	1 <sup>2</sup>
Window	-	-	-	-	n/a	n/a	n/a	n/a	n/a

- <sup>1</sup> Per canopy or awning.
- <sup>2</sup> Per storefront.
- <sup>3</sup> Per street front
- <sup>4</sup> Per development entrance.
- <sup>5</sup> One (1) sign total may be used per storefront from either the projecting or suspended sign type.

**6.8 SIGN AREA BY ZONING DISTRICT.**

The amount of sign area permitted for each sign on a zoning lot shall be as follows:

**Maximum Sign Area Per Sign Per Zoning Lot (in square feet)**

<b>SIGN TYPE</b>	<b>R-A</b>	<b>R-R</b>	<b>R-S</b>	<b>R-M</b>	<b>I-U</b>	<b>H-B</b>	<b>C-B</b>	<b>G-B</b>	<b>M-1</b>
Canopy/Awning	-	-	-	-	4	4	4	4	4
Incidental	2	2	2	2	2	2	2	2	2
Flag	150	150	150	150	150	150	150	150	150
Freestanding (Pole)	-	-	-	-	-	18	-	-	18
Governmental	8	8	8	8	32	32	32	32	32
Marquee	-	-	-	-	1	1	1	1	1
Monument (Ground)	24	24	24	24	50 <sup>6</sup>	32	24	24	24
Outdoor Advertising (Billboard)	-	-	-	-	-	-	-	-	-
Planned Development (Shopping Center)	-	-	-	-	32	32	24	24	24
Portable	-	-	-	-	-	-	-	-	-
Projecting	-	-	-	-	6	6	6	6	6
Suspended	-	-	-	-	6	6	6	6	6
Wall	8	8	8	8	2	2	2	2	2
Window	-	-	-	-	3	3	3	3	3

- <sup>1</sup> Shall not exceed 75% of the size of the marquee.
- <sup>2</sup> Shall not exceed 25% of the wall area of the façade on which it is located.
- <sup>3</sup> Shall not exceed 25% of the window area.
- <sup>4</sup> Shall not exceed 10% of the canopy or awning.
- <sup>5</sup> Projecting and Suspended Signs shall not extend more than four (4) feet from a building wall.
- <sup>6</sup> I-U zoned properties with 50 acres or greater may erect three (3) monument (ground) signs not exceeding 160 total square feet.

**6.9 PERMANENT SIGNS LIMITED.**

**(A) Notwithstanding Section 6.5 and in addition thereto, the following permanent signs shall be permitted without a zoning permit.**

- (1) Historical markers, regulatory signs, public interest signs, and warning signs erected and maintained by the village or state or an agent of such.
- (2) On-premises incidental signs located near the intersection of entryways to non-residential property and a public street or road, not exceeding four (4) feet in height nor four (4) square feet in area.
- (3) Identification signs not exceeding two (2) square feet in area nor two (2) feet in height.
- (4) Incidental signs.
- (5) Up to four (4) flags on permanent poles.
- (6) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.

- (7) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
  - (8) Traffic control signs on private property, the face of which meets Department of Transportation standards and which contain no commercial message of any kind.
  - (9) Governmental signs
- (B) **Notwithstanding Section 6.5 and in addition thereto, the following permanent signs shall be permitted upon the issuance of a valid zoning permit.**
- (1) Any sign not expressly listed as permitted without a permit shall require the issuance of a valid zoning permit prior to installation.

**6.10 TEMPORARY SIGNS LIMITED.**

- (A) **Temporary Signs Permitted Without a Permit.** The following temporary signs are permitted without a zoning permit in all zoning districts, but shall be in conformance with all other requirements of this ordinance.
- (1) Up to two (2) additional temporary signs shall be permitted on any property in any zoning district provided that:
    - (a) Signs shall only be displayed from the 30<sup>th</sup> day before the beginning of “one-stop” early voting under G.S. 163-227.2 and ending on the 10<sup>th</sup> day after the primary or election day.
    - (b) Any person erecting such a temporary sign shall obtain the permission of the owner of any residence, business, or religious institution that fronts the right-of-way where the sign is erected. Signs shall be placed in accordance with the following:
      - i. No sign shall be permitted in the right-of-way of a fully controlled access highway.
      - ii. No sign shall be closer than three (3) feet from the edge of the pavement of the road.
      - iii. no sign shall obscure motorist visibility at an intersection.
      - iv. No sign shall be higher than 42 inches above the edge of the pavement of the road.
      - v. No sign shall be larger than 864 square inches or six (6) square feet.
      - vi. No sign shall obscure or replace another sign.
  - (2) One additional temporary sign during any period of time that the property on which it is placed is actively for sale or lease, excluding temporary signs at construction sites, provided that:



- (a) Signs placed on residential lots, buildings, units, or spaces for sale or for lease shall not exceed six (6) square feet in area nor four (4) feet in height.
  - (b) Signs placed on non-residential lots, buildings, units, or spaces for sale or for lease shall not exceed a sign face area of 20 square feet or exceed a height of five (5) feet.
  - (c) Only one (1) sign per street front of the subject property shall be erected.
  - (d) Signs shall not be illuminated.
  - (e) Signs shall be removed within seven (7) days after the property is no longer actively held out for sale or lease.
- (3) Signs on property under construction are permitted provided that:
- (a) Signs located on residential lots, excluding multi-family sites, shall not exceed six (6) square feet in area. The maximum height of such signs shall be five (5) feet.
  - (b) Fence wraps, as defined in GS 160D-908, shall be permitted according to the requirements of GS 160D-908.
  - (c) Signs are confined to the site of construction.
  - (d) Only one (1) sign per street front of the property under construction shall be erected.
  - (e) Signs shall not be illuminated.
  - (f) Signs shall be removed within seven (7) days after the completion of the project.
- (4) Temporary signs at agricultural sites where produce is sold are permitted provided that:
- (a) Signs are located on the premises where the products are sold.
  - (b) Products are produced on-site.
  - (c) Signs shall not exceed 20 square feet in area nor five (5) feet in height.
  - (d) Only one (1) sign shall be erected.
  - (e) Signs shall be removed within seven (7) days of the termination of sale activities.
- (5) Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, are permitted provided that:

- (a) Signs shall not exceed 32 square feet in area nor five (5) feet in height.
  - (b) Signs shall be erected no sooner than 14 days before and removed seven (7) days after the event.
  - (6) Holiday lights and decorations.
  - (7) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.
  - (8) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- (B) **Temporary Signs Requiring a Permit.** Temporary signs permitted upon issuance of a valid zoning permit shall be limited as follows:
- (1) Temporary banners in commercial districts, provided that:
    - (a) Only one (1) banner per establishment shall be allowed at a time.
    - (b) All banners shall be attached in total to a building wall or permanent canopy extending from a building.
    - (c) No paper banners shall be allowed.
    - (d) Banners shall be erected for a period not to exceed two (2) weeks.
    - (e) No more than six (6) such signs per establishment shall be erected within a calendar year.
    - (f) No banner shall extend above the second occupiable floor level of a building.
  - (2) Temporary off-premise signs or banners for special community events, open to the general public and sponsored by non-commercial civic, charitable, community, or similar organizations, provided that:
    - (a) Signs shall not exceed 32 square feet in area nor five (5) feet in height.
    - (b) Signs shall be erected no sooner than 14 days before and removed seven (7) days after the event.
    - (c) Temporary signs shall be located outside of the public right-of-way or at least 11 feet from the edge of any public street if the right-of-way cannot be determined.
    - (d) Every temporary off-premise sign or banner shall be separated by a distance of 200 feet from any other such temporary off-premise sign on the same side of a street, and by a distance of 150 feet from any other sign on the opposite side of a street.

- (e) Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.
- (f) Any temporary sign not expressly permitted without a permit

## 6.11 PROHIBITED SIGNS.

**Notwithstanding Section 6.5 and in addition thereto, the following signs, both permanent and temporary, are prohibited in all zoning districts:**

- (A) Signs extending into the public right-of-way other than those expressly permitted by this article or otherwise approved by the Village Council, if placed along public streets.
- (B) Roof signs.
- (C) Flashing, fluttering, swinging, wind-activated, rotating, animated signs and other digital or electronic message or video boards, excluding flashing time and/or temperature signs that change no more than once every five (5) seconds and also excluding monument (ground) electronic message boards located on 50 acres or more of property zoned I-U.
- (D) Any sign which obstructs the view of motorists, pedestrians, or cyclists using any street, sidewalk, bike path, or driveway, or which obstructs the approach to any street intersection or railroad crossing, or which interferes with the effectiveness of any traffic sign, device, or signal.
- (E) Illuminated or highly reflective signs which hamper the vision of motorists or cyclists.
- (F) Any sign that resembles traffic signals, traffic signs, or emergency vehicle lights and any other sign not erected by a public authority which may be erroneously construed as governmental signs or emergency warning signs.
- (G) Beacons, pennants, and strings of lights not permanently mounted to a rigid background, except those permitted as temporary signs.
- (H) Any sign that interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air except for permitted window signs.
- (I) Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other structure or surface located on, over, or across any public street right-of-way or property unless expressly authorized by this article or the Village Council.
- (J) Off-premises signs on parcels of land that are zoned residential, used primarily for residential purposes, or which do not include an active permitted use as established by this article.
- (K) Inflatable devices or balloons.

- (L) High intensity searchlights.
- (M) Any object displayed in a manner which is intended to attract attention to a site, product, or event.
- (N) Any sign listed as not permitted in Section 6.5
- (O) Any sign not expressly permitted by this article.

## **6.12 ENFORCEMENT OF REGULATIONS.**

Any sign, structure, or other form of advertising defined as a sign herein that is erected or placed anywhere in Misenheimer after adoption of this ordinance that is not in compliance with the provisions of this section shall be subject to the enforcement provisions outlined in Article 11 of the Zoning Ordinance.

### *Editor's Note:*

*Sections 6.6, 6.8 and 6.11 were amended 2/13/17 to allow ground mounted monument electronic message boards on I-U property of 50 acres or more, and to make conforming changes to maximum height, width and total square footage of such signs.*

*Sections 6.5, 6.6, 6.7, 6.8, and 6.9 were amended 6/27/17 to allow Governmental signs in all zoning districts without a permit and to make conforming changes to maximum height, number of signs per zoning lot, and total square footage of such signs and permanent signs limited to include governmental signs.*

*Sections 6.5, 6.6, 6.7, and 6.8 were amended 6/27/17 to allow Freestanding (Pole) signs in zoning districts H-B and M-1 permitted only upon issuance of a valid zoning permit and to make conforming changes to maximum height, number of signs per zoning lot, and total square footage of such signs.*

*Amended 4/12/21 to comply with the US Supreme Court case of Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015).*